

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6298 OF 2007

M/s.Sandeep Traders .. Petitioner.

V/s.

Punjab National Bank .. Respondent.

Mr. P.K.Dhakephalkar with Jay Joshi i/by I.R.Joshi with
Mrs.P.L.Bachani for the Petitioner.

Mr.P.J.Ramchandani for Respondent.

CORAM : S. A. BOBDE, J.

DATED : 12th SEPTEMBER, 2007.

P.C. :-

. After hearing the matter for some time, it seems appropriate in the interest of justice to pass the following order :

2. There is substance in the contention of the learned counsel for the petitioner that the jurisdiction of the appellate court which is questioned needs to be decided at the earliest. At this stage, it is not possible to consider the question of propriety of quantum of mesne profit directed to be deposited by the appellate court.

3. In the circumstances, the appellate court is directed to decide the issue of tenability of the appeal, at the earliest, as a preliminary issue and dispose of the appeal. The appellate court is directed to dispose of the appeal within a period of three months from the next date.

4. Order accordingly. The petition is disposed of.

(S.A.BOBDE, J.)

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